

SUMMARY
STATE ELECTION BOARD MEETING
200 Washington Street
Suite 450 State Capitol Building
Atlanta, Georgia 30334
Tuesday, September 25, 2007
1:30 p.m.

1. Chairperson Handel called the State Election Board (SEB) Meeting to order at 1:30 p.m. with the Invocation by Jeff Israel and the Pledge of Allegiance. Chairperson Handel began the roll call, Tex McIver, Randy Evans, and Jeff Israel present and David Worley arrived at 1:40 p.m.
2. At 1:33 p.m., Randy Evans made a motion to go into Executive Session, Tex McIver seconded, motion passed unanimously.
3. At 2:06 p.m., Chairperson Handel reconvened the meeting from Executive Session and called the meeting to order. She made an announcement regarding the purpose of the meeting and speaker time limits, including case presentation. Randy Evans made a motion to add this as an SEB procedure, David Worley seconded, motion passed unanimously.
4. Chairperson Handel called for public comment, and there being none, she moved to the next order of business, approval of minutes.
5. Randy Evans made a motion to approve the minutes from June 21, 2007, David Worley seconded, motion passed unanimously.
6. The Inspector General, Shawn LaGrúa, presented the following cases:
 - a. SEB Case No. 2006-000034 Greene County – Shawn LaGrúa recommended closing this case. Tex McIver made a motion to accept the recommendation. Jeff Israel seconded and the motion passed 3-2 with Randy Evans and David Worley voting against.
 - b. SEB Case No. 2006-000035 Sumter County Elections– Shawn LaGrúa recommended closing this case. David Worley made a motion to accept the recommendation. Jeff Israel seconded and the motion passed 4 – 1 with Randy Evans voting against.
 - c. SEB Case No. 2007-000003 City of Buena Vista - Shawn LaGrúa recommended closing this case. Chairperson Handel made a motion to refer to the Attorney General's office adding the County Commissioners, Attorney, and Ethics to the list of respondents. Randy Evans seconded and the motion passed 4 – 1 with David Worley voting against.
 - d. SEB Case No. 2006-000041 Spalding County – Shawn LaGrúa recommended this case be referred to the Attorney General's (AG) office for sanctions and mandatory training and issuance of a Cease and Desist Order. Randy Evans made a motion to accept the recommendation, Chairperson Handel seconded, motion passed unanimously. Gwen Flowers-Taylor and Kimberly Slaughter briefly spoke on this case.
 - e. SEB Case No. 2006-000050 Chattooga County – Shawn LaGrúa recommended this case be deferred until the criminal case action is completed. Randy Evans requested a letter be sent to the Board from the Office of the Attorney General requesting the Board defer this case. Randy Evans made a motion that, subject to receipt of the letter, the case be deferred until the criminal case is completed. Chairperson Handel seconded and the motion passed unanimously.

- f. SEB Case No. 2006-000051 Fannin County – Shawn LaGrúa recommended this case be referred to the AG’s office. Lynn Daus, Fannin County Board of Elections and Registration Attorney, stated per the June 21, 2007 SEB meeting, they were waiting to hear from the AG’s office regarding a Consent Order. Stefan Ritter, Attorney General’s Office, stated they would ensure this was completed. Upon signing the Consent Order, their case would be resolved.

The remaining allegations were to be referred to the AG’s office. David Worley made a motion to accept the recommendation, Chairperson Handel seconded, motion passed unanimously. Michael Chablanski, Attorney for Lena Early, and Pete Thomas, Complainant, also spoke briefly on this case.

- g. SEB Case No. 2007-000004 Fulton County Elections – Shawn LaGrúa recommended this case be referred to the AG’s office. Bill Atkins, Attorney, stated that he was acting on behalf of the Fulton County Board of Elections and all individuals in this case. Mr. Atkins stipulated to various allegations in the complaint; however, he disputes the number of affected voter registration cards. A motion was made by Randy Evans and seconded by David Worley to refer this matter to the AG’s office. Additionally, the SEB requested guidance from the AG’s office regarding the level of fines that would be legally allowable in this matter and regarding any past history of fines involving cases of this nature.

In a separate, but related matter, the SEB discussed at length the ongoing implications of the above situation to the overall integrity of Fulton’s elections. The Board referred to a letter from the Secretary of State dated September 17, 2007 directing Fulton to take various remedial steps. Mr. Atkins and April Pye, Fulton’s Interim Elections Director, were asked if the deadline was practical, and after being given time to confirm, Mr. Atkins did indeed commit to the deadline. Randy Evans then made a motion regarding the specific directives contained in Secretary Handel’s letter. This motion was seconded by David Worley, and passed unanimously.

- h. SEB Case No. 2007-000011 Fulton County – Shawn LaGrúa recommended this case be referred to the AG’s office. Bill Atkins, Attorney for Fulton County Board of Elections, stated they would concede that violations were found on June 12, 2007 but were corrected the same day. Randy Evans made a motion to refer the case to the AG’s office, David Worley seconded, motion passed unanimously.
- i. SEB Case No. 2007-000005 Randolph County – Shawn LaGrúa recommended the case against William Curry be referred to the AG’s office. In reference to Allegation #1, Randy Evans made a motion to close the case, Jeff Israel seconded, motion passed 4 – 1 with David Worley voting against. In reference to Allegation #2, Randy Evans made a motion to refer this case to the AG’s office, David Worley seconded, motion passed unanimously.
- j. SEB Case No. 2007-000006 Randolph County – Calandra Almond stated their investigation did not reveal a violation had occurred and recommended the case be closed. Randy Evans made a motion to accept the recommendation, Chairperson Handel seconded, motion passed unanimously.
- k. SEB Case No. 2006-000017 Randolph County – Shawn LaGrúa stated there was a Consent Order for Carol Ray. Randy Evans made a motion to accept the Consent Order for Carol Ray. Jeff Israel seconded and the motion passed unanimously. Ms. LaGrúa recommended the case against Nellie Bell Sheppard be referred to the AG’s office. Tex McIver made a motion to accept the recommendation and Randy Evans seconded. The motion passed unanimously. Ms. LaGrúa recommended the case against Shelia Flowers be referred to the AG’s office. Chairperson Handel made a motion to accept the recommendation and Randy Evans seconded. The motion passed unanimously. Ms. LaGrúa recommended the case against Valerie Coleman be referred to the AG’s office. Tex McIver made a motion to accept the recommendation and Randy Evans seconded. The motion passed unanimously.

7. At 4:40 p.m., Randy Evans made motion to take a break, Chairperson Handel seconded, motion passed unanimously.
8. Chairperson Handel called the meeting to order at 4:55 p.m.
9. The Inspector General, Shawn LaGrua, continued presenting her cases.
 - l. SEB Case No. 2007-000008 Hart County – Shawn LaGrua recommended that a letter with strong verbiage be issued or the Board issues a recommendation. Chairperson Handel made a motion that a letter of instruction be sent to the Board of Registrars, Jeff Israel seconded, motion passed unanimously.
 - m. SEB Case No. 2007-000009 Byromville City Special Elections – Shawn LaGrua recommended that only Allegation #5 be referred to the AG's office. Tony Sawyer, Attorney, acknowledged the violation and apologized. He stated they would agree to a Cease and Desist Order with a training stipulation. Randy Evans made a motion to issue a Cease and Desist Order with mandatory training. Chairperson Handel seconded and the motion passed unanimously.
 - n. SEB Case No. 2007-000012 Habersham County – Shawn LaGrua recommended this case be referred to the AG's office. Ann Jarrell, Respondent, stated they were completely under staffed and had some staff competency issues. Ms. Jarrell stated she has informed the County Commissioners of their problems and received no help. Randy Evans made a motion to table this case until notice could be sent to the County Commissioners, Jeff Israel seconded. Chairperson Handel amended the motion stating that Ms. Jarrell should attend training. Tex McIver seconded the amended motion and the motion passed unanimously.
 - o. SEB Case No. 2005-000060 City of Hampton – Janet Shellnutt, Henry County Elections Supervisor, stated they would be handling elections for the City of Hampton. Randy Evans made a motion to accept this as compliance in that the City of Hampton would subcontract to Henry County. Chairperson Handel seconded and the motion passed unanimously.
 - p. SEB Case No. 2006-000039 City of Riverdale – Shawn LaGrua recommended the case against Michelle Bruce and Barbara Williams be referred to the AG's office and the case against Tewanna Smith is referred to the Clayton County Solicitor General's Office. Tex McIver made a motion to accept the recommendation. Randy Evans seconded and the motion passed unanimously.
 - q. SEB Case No. 2005-000032 City of Fitzgerald – Calandra Almond recommended the Board accept the Consent Order, including fines, for Henry D. Tyson, Jr. and Linda Rineair. Randy Evans made a motion to accept the Consent Order pending the addition of training. Chairperson Handel seconded and the motion passed unanimously.

In the case against Charles C. Hall, Ms. Almond recommended the Board accept the Consent Order signed by Mr. Hall because Mr. Hall admitted to the conduct. Tex McIver wanted to know if the Consent Order was the norm. Randy Evans stated normally there is also a reprimand. David Worley stated he understood that Mr. Hall didn't act intentionally but rather believed he was a resident of Fitzgerald; Ms. Almond agreed. Tex McIver stated he was satisfied and so moved to accept the Consent Order. David Worley seconded and the motion passed 4 – 1 with Randy Evans voting against.
 - r. SEB Case No. 2005-000073 Heard County – Calandra Almond recommended the Board accept the Consent Order with a \$200 fine. The Board directed Ms. Almond to amend the Consent Order to include a public reprimand, a Cease and Desist Order, and a \$1,000 fine.

- s. SEB Case No. 2006-000008 City of Greenville – Calandra Almond recommended the Board accept the Consent Order with \$100 fine. The Board directed Ms. Almond to amend the Consent Order to include a public reprimand and a total fine of \$200.
 - t. SEB Case No. 2006-000038 Marion County – Calandra Almond recommended the Board accept the Consent Order with \$100 fine. Respondents, Gladys Thomas, Marie Brown, and Debra Graham all spoke and admitted their violation and stated there was no direct intent but lack of knowledge and/or guidance. Chairperson Handel made a motion to issue a Consent Order with a Cease and Desist Order, a Reprimand, and a \$100 fine per person. David Worley seconded, the motion passed 4 – 1 with Randy Evans voting against.
 - u. SEB Case No. 2006-000049 McIntosh County – Calandra Almond recommended the Board accept the Consent Order. Tex McIver made a motion to accept the Consent Order pending the addition of a reprimand. Jeff Israel seconded and the motion passed 3 – 2 with Randy Evans and David Worley voting against.
 - v. SEB Case No. 2004-000046 Atkinson County – Calandra Almond stated the Board could accept the ALJ’s decision or vote to ratify the decision. Randy Evans made a motion to ratify the ALJ’s decision. Chairperson Handel seconded, motion passed unanimously. Randy Evans asked if there was an exact sum to which Ms. Almond stated the ALJ’s actual fine was \$80,000 and that the ALJ added investigative costs. The Board will tally the fees and draft an order adopting the ALJ’s decision including the total amount (fines and fees).
 - w. SEB Case No. 2005-000054 City of Milledgeville - Calandra Almond stated the Board could accept the ALJ’s decision or vote to ratify the decision. Tex McIver asked if the investigative costs had been added. Ms. Almond stated they had not been determined but it is understood they would be added. Randy Evans made a motion to ratify the ALJ’s decision. David Worley seconded and the motion passed unanimously.
 - x. SEB Case No. 2006-000032 City of Dawson – Calandra Almond stated this case involves allegations about whether various officials in the City of Dawson violated the election code in connection with the 2004, 2005, and 2006 elections. Ms. Almond recommended that the Mayor and City Council members be added as Respondents in this case. Chairperson Handel made a motion to accept the recommendation and Dave Worley seconded. Chairperson Handel amended her motion to include the addition of the Registrar and County Officials as Respondents. Tex McIver seconded and the motion passed 4 – 1 with Randy Evans voting against.
10. Legislative Update – Rob Simms gave a brief update on HR 811 status, the State Legislative Fund, and the Photo ID Outreach program.
11. Elections Update - Michael McCarthy gave a brief on the September 18, 2007 special elections, poll monitoring, and the Photo ID report.
12. Tex McIver made a motion to adjourn the meeting, Chairperson Handel seconded, motion passed unanimously. Being no further business, the meeting was adjourned at 7:18 p.m.